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KEVIN J. LUNNY and
8 DRAKES BAY OYSTER COMPANY

9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA
11 SAN FRANCISCO DIVISION
12

13 CALIFORNIA RIVER WATCH,

14 Plaintiff,

15 v.

16 KEVIN J. LUNNY; DRAKES BAY OYSTER
COMPANY; DOES 1-30, inclusive,

17 Defendants.
18

Case No. C 14-00598 EMC

**STIPULATED REQUEST TO
CONTINUE CASE
MANAGEMENT CONFERENCE;
[PROPOSED] ORDER**

19 Pursuant to Local Rules 6-1 and 6-2, Plaintiff California River Watch and Defendants
20 Kevin J. Lunny and Drakes Bay Oyster Company (“Drakes Bay”), by and through their
21 respective counsel of record, hereby submit the following stipulated request to continue the Initial
22 Case Management Conference currently set for October 16, 2014.

23 WHEREAS, prior to re-assignment to this Court, the Honorable Judge Beeler, pursuant to
24 the request of the parties to continue the Initial Case Management Conference, had set that
25 conference for August 14, 2014 (Doc. 11);

26 WHEREAS, this Court in its Case Management Conference Order in Reassigned Cases
27 (Doc. 14) re-set the Initial Case Management Conference for June 12, 2014;
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1 WHEREAS, this Court, pursuant to a joint request of the parties, re-set the Initial Case
2 Management Conference for August 14, 2014 (Doc. 22);

3 WHEREAS, this Court, pursuant to a joint request of the parties, re-set the Initial Case
4 Management Conference for October 16, 2014 (Doc. 25);

5 WHEREAS, Drakes Bay, at the direction of the federal government, has ceased some of
6 its oyster farming operations in light of the Supreme Court's recent order (2014 WL 1483683
7 (June 30, 2014)) denying the petition for certiorari in *Drakes Bay Oyster Company v. Sally*
8 *Jewell*, 747, F.3d 1073 (9th Cir. 2013) (affirming government's decision to let Drakes Bay's
9 permit for commercial oyster farming expire);

10 WHEREAS, the federal government and Drakes Bay are still engaged in settlement
11 discussions relating to Drakes Bay's oyster farming operations in Drakes Estero;

12 WHEREAS, the parties wish to allow the federal government and Drakes Bay to conclude
13 their settlement discussions prior to meeting with the Court;

14 WHEREAS, the parties believe that the result of those settlement discussions will have a
15 direct impact on the issues in this case;

16 NOW THEREFORE, the parties respectfully and jointly request that the Court continue
17 the Initial Case Management Conference, currently set for October 16, 2014, to January 15, 2015,
18 or as soon thereafter as may be convenient for the Court.

19 Respectfully submitted,

20
21 Dated: September 29, 2014

MORRISON & FOERSTER LLP

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24 By: /s/ Christopher J. Carr
CHRISTOPHER J. CARR

25 Attorneys for Defendants
26 KEVIN J. LUNNY and
DRAKES BAY OYSTER COMPANY
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2 Dated: September 29, 2014

LAW OFFICE OF JACK SILVER

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5 By: /s/ Jack Silver

JACK SILVER

6 Attorneys for Plaintiff
7 CALIFORNIA RIVER WATCH
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9 **ECF ATTESTATION**

10 I, Christopher J. Carr, hereby attest that Mr. Jack Silver, Esq., concurs in this filing. This
11 attestation is made pursuant to Civil L.R. 5-1(i)(3).
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13 By: /s/ Christopher J. Carr

14 Christopher J. Carr
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[~~PROPOSED~~] ORDER

In light of the foregoing stipulation and good cause appearing, the Court hereby GRANTS the parties' stipulated request to continue the currently scheduled Initial Case Management Conference.

The Initial Case Management Conference currently set for October 16, 2014, shall be continued to January 15, 2015, at 9:30 a.m. The parties shall file a joint case management conference statement one week in advance of that date.

IT IS SO ORDERED.

10/6/14

Dated: _____

